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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,398	10/10/2000	James Richard Kraemer	RSW9-2000-0107-US1	7911

7590 06/23/2005

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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,398

Applicant(s)

KRAEMER, JAMES RICHARD

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Summary

On December 22, 2004, an Office Action was mailed to the Applicant rejecting claims 1-31. On March 22, 2005, the Applicant responded by amending claims 1 and 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Wherry (2002/0038273).

Wherry discloses a method and corresponding system for portfolio management comprising rebalancing a portfolio of assets to achieve optimality, transmitting to a customer an alert message for alerting an imbalance status of a customer's portfolio, and a list of recommended rebalancing transactions, to a customer, receiving from a customer a single response of the customer to the transmitted alert message, and automatically implementing the list of recommended rebalancing transactions based on the received customer's response (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); transmitting step is performed via a first customer-defined communications method (p.7, 63); automatically retransmitting the alert message and the list of recommended rebalancing

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transactions to the customer via a second customer-defined communications method if the step of transmitting via the first communications method was not successfully executed (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); in the receiving step, the customer's response constitutes performing a single action by the customer (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); the single action comprises one of the following: pressing a button, touching a portion of a screen, or speaking a sound (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); verifying the identify of the customer prior to the implementing step (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—done when user accesses account information); verifying step is performed automatically by a computer system (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—done when user accesses account information); transmitting step, the alert message is generated based on an alert level set by the customer (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); generating execution instructions based on the list of recommended rebalancing transactions and transmitting the execution instructions to an electronic trading system, whereby the list of recommended rebalancing transactions are electronically executed (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); the receiving step, the customer's response is contained in a return e-mail from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—customer chooses communication preference); the receiving step, the customer's response is received on paper, wherein the paper includes an optical for retrieving the list of recommended rebalancing transactions, and verification information for verifying the identity of the customer; retrieving the list of recommended rebalancing transactions, and verification

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information for verifying the identity of the customer (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—customer chooses communication preference); in the receiving step, the customer's response is received as a voice sound, wherein the voice sound is recognized using a voice recognition device (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—customer chooses communication preference); receiving step, the customer's response is received through a wireless communications network (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—customer chooses communication preference); the receiving step, the customer's response is received from a financial kiosk (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68—customer chooses communication preference); retrieving step, the customer's response is received from a computer of the customer using a financial program installed on the computer (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); addressing a certain status of an item, monitoring a current status of the item based on user-defined parameters, automatically triggering transmission of an alert message to a user based on the user-defined parameters if the current status of the item has shifted to a second status, receiving a single response of the user to the alert message, and automatically performing a plurality of predetermined actions in response to the single response from the user (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); the triggering step, a list of the predetermined actions is transmitted to the user along with the alert message (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68); and the item involves a portfolio of assets, and the performing step optimizes the portfolio (p.6, 60 to p.7, 63 and p.7, 67 to p.8, 68).

Provisional Application Listed on PTO-892 form

If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Conclusion

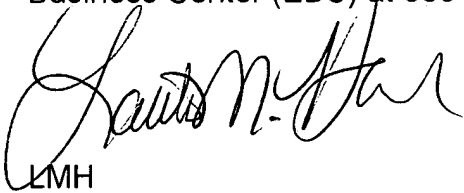
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shearer US 2002/0002521.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH